

Fletcher's Reciprocity of Risks

PHIL 420

Philosophy of Law

Distance Delivery

Background

- **Tort theory**
 - History
 - Analysis
 - Instrumental analysis
 - Moral analysis
- **Forward-looking perspectives on law**
 - Criminal punishment and deterrence
- **Backward-looking perspectives on law**
 - Criminal law and retributive justice

Paradigms of Liability

- ✿ Prevailing interpretation of history
- ✿ *Restatement of Torts*
- ✿ Older paradigms
 - ✿ Strict liability
 - ✿ Negligence
- ✿ Paradigm of reciprocity
- ✿ Paradigm of reasonableness

Pockets of Strict Liability

- ✿ *Rylands v. Fletcher*
- ✿ *Vincent v. Lake Eire Transportation Co.*
- ✿ Blasting
- ✿ Fumigating
- ✿ Crop dusting
- ✿ Exotic animals
- ✿ Air crashes

Risks

- ⚙ **Risky world we live in**
- ⚙ **Reciprocal risks**
- ⚙ **Nonreciprocal risks**
- ⚙ **Negligence as a nonreciprocal risk**
- ⚙ **Intentional harm as a nonreciprocal risk**
- ⚙ **Fairness**